

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-24, 26-48, and 50-69 are currently pending, with Claims 26-41 and 50-69 being withdrawn from consideration as directed to non-elected inventions. Claims 25 and 49 have been canceled without prejudice or disclaimer; and Claims 1-15, 17-24, 42-45, 47, 48, and 65 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.¹

In the outstanding Office Action, Claims 18-22 were objected to as containing informalities; Claims 1-25 and 42-49 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; Claims 1-25 and 42-49 were rejected under 35 U.S.C. § 112, second paragraph, as containing informalities; Claims 1-16, 18-21, 23, 25, 42-45, 47, and 49 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter; Claims 1-14, 17-25, and 42-49 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,317,786 to Yamane et al. (hereinafter “the ‘786 patent”); Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘786 patent; and Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘786 patent in view of U.S. Patent Application Publication No. 2004/0133656 to Butterworth et al. (hereinafter “the ‘656 application”).

Regarding the objections to Claims 18-22, Claims 18 and 22 have been amended to recite a process response creation part and a process response creation step, respectively. Further, Claim 18 has been amended to correct the spelling of “protocol.” Accordingly, the objections to Claims 18-22 are believed to have been overcome.

¹ See, e.g., Figs. 1-6 of the present application, and the discussion related thereto.

Applicant respectfully traverses the rejection of Claims 1-25 and 42-49 under 35 U.S.C. § 112, first paragraph. The Office Action asserts that the claims are repeated in the Summary of the Invention section of the specification, without further providing a more detailed description. Further, the Office Action asserts that the drawings and the Detailed Description of the Preferred Embodiments section of the specification do not describe the claimed invention at all. Thus, the Office Action asserts that the specification does not support the claimed invention.²

However, it is noted that MPEP § 2163.02 provide that:

[w]henever the issue arises, the fundamental factual inquiry is whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed. See, e.g., *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563-64, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991).

The subject matter of the claim need not be described literally (i.e., using the same terms or in *haec verba*) in order for the disclosure to satisfy the description requirement.

It is respectfully submitted that the originally filed specification conveys with reasonable clarity to those skilled in the art, as of the filing date sought, that Applicant was in possession of the invention as now claimed.³

Regarding the rejection of Claims 1-25 and 42-49 under 35 U.S.C. § 112, second paragraph, Claims 1-25 and 42-49 have been amended to address the informalities noted in the Office Action. Accordingly, the rejection of Claims 1-25 and 42-49 are believed to have been overcome.

Regarding the rejections of Claims 1-16, 18-21, 23, 25, 42-45, 47, and 49 under 35 U.S.C. § 101, it is respectfully submitted that the rejections of those claims are rendered moot by the present amendments to Claims 1, 18, 23, 42, and 47, and cancellation of Claims 25 and

² See Office Action dated June 12, 2008, pages 3 and 4.

³ See, e.g., page 2, line 8 to page 63, line 14 and page 65, line 23 to page 75, line 5 of Applicant's specification; also see Figures 1, 2, and 4-6.

49. In particular, independent Claims 1, 18, and 42 have been amended to recite that the web server providing apparatus comprises a controller. Further, independent Claims 23 and 47 have been amended to recite that the terminal comprises a display unit.

Amended Claim 1 is directed to a web service providing apparatus, comprising:

a controller including

 a server processing part configured to control receipt of a process request for a process from a requesting apparatus, connected to the Web service providing apparatus via a communication network, and transmission of a process response corresponding to the process request to the requesting apparatus in accordance with a predetermined protocol;

 a condition acquisition control part configured to control, in response to an instruction from the server processing part, acquisition of target information designated by the process request from a management apparatus, connected to the Web service providing apparatus via the communication network, that manages the target information based on a first processable condition under which the target information is processable by the management apparatus and the Web service providing apparatus; and

 a service providing part configured to perform the requested process on the target information and to send a result of the process to the server processing part.

Regarding the rejection of Claim 1 under 35 U.S.C. § 102(e), the '786 patent is directed to a web service system that allows a system operator to manage multiple web servers. In particular, the '786 patent discusses a web service system 90 including various components 100-122 that can communicate over one or more computer networks. The '786 web service system 90 manages one or more hosts 100, that can be a computer system commercially available and capable of using a multi-threaded operating system such as UNIX or Windows NT, each including at least one web server 102.⁴ The '786 patent discusses that a user interacts with the web server by making an initial request to the web

⁴ See '786 patent, column 4, lines 15-37.

server 102, which results in the web server 102 sending a web page in response, an aggregation of related web pages presented to the user being referred to as an application.⁵ Further, the '786 patent discusses that the web service system 90 includes an interceptor 120 and manager 110 that perform load balancing,⁶ and that the manager 110 monitors the hosts 100 based on information received from agents 106 included in the hosts 100.⁷

The Office Action asserts that the '786 manager 110, the agent 106, and the application representing an aggregation of related web pages correspond to the "server processing part," the "condition acquisition control part," and the "service providing part," respectively, as defined in Claim 1.⁸

However, it is respectfully submitted that the '786 patent fails to disclose a controller including a server processing part, a condition acquisition control part, and a service providing part, as defined in Claim 1. Rather, Fig. 1 of the '786 patent illustrates that the manager 110 and the host 100 (including the agent 106 and the application) are separate components that are connected to each other over one or more computer networks. The '786 patent does not disclose *a controller including* each of the manager 110, the agent 106, and the application cited in the Office Action.

Further, it is respectfully submitted that the '786 patent fails to disclose a condition acquisition control part configured to control, in response to an instruction from the server processing part, acquisition of target information designated by the process request from a management apparatus, connected to the Web service providing apparatus via the communication network, that manages the target information based on a first processable condition under which the target information is processable by the management apparatus and the Web service providing apparatus. Rather, the '786 patent discusses that a web

⁵ See '786 patent, column 4, line 38 to column 5, line 28.

⁶ Id. at column 7, lines 6-28.

⁷ Id. at column 6, lines 46-65.

⁸ See Office Action dated June 12, 2008, page 6.

interface provides an agent 106 with information from the “back end” of the web server 102, such as information about web page requests received from users, and the pages sent in response to the requests.⁹ Further, as illustrated in Fig. 1, the ‘786 web server 102 and the agent 106 are included in a single host 100. The ‘786 patent does not disclose that the agent 106 is configured to control acquisition of target information from *a management apparatus, connected to the Web service providing apparatus via the communication network*. Further, the ‘786 patent does not disclose that the acquisition of target information is controlled *based on a first processable condition under which the target information is processable by the management apparatus and the Web service providing apparatus*, as defined in Claim 1.

Moreover, it is respectfully submitted that the ‘786 patent fails to disclose a service providing part configured to perform the requested process on the target information and to send a result of the process to the server processing part. Rather, the ‘786 patent simply discusses that the cited application represents an aggregation of related web pages presented to a user as a set of web pages about a related topic, or from a particular source.¹⁰ The ‘786 patent does not disclose that the application is configured to *perform the requested process on the target information and to send a result of the process to the server processing part*, as defined in Claim 1.

Accordingly, it is respectfully submitted that Claim 1 (and all associated dependent claims) patentably defines over the ‘786 patent.

Amended Claim 17 recites, in part,

a condition acquisition control step of controlling, corresponding to an instruction from the server processing step, acquisition of target information designated by the process request from a management apparatus, connected to the Web service providing apparatus via the communication network,

⁹ See ‘786 patent, column 9, lines 32-37.

¹⁰ Id. at column 5, lines 6-9.

that manages the target information based on a first processable condition under which the target information is processable by the management apparatus and the Web service providing apparatus; and

a service providing step of performing the requested process on the target information and informing the server processing step of a result of the process.

As noted above, the '786 patent fails to disclose the "condition acquisition control part" and the "service providing part" of Claim 1. Thus, the '786 patent fails to disclose the condition acquisition control step and the service providing step recited in Claim 17. Accordingly, it is respectfully submitted that Claim 17 patentably defines over the '786 patent.

Amended Claim 18 is directed to a Web service providing apparatus, comprising:

a controller including

a service providing part configured to manage target information and to provide the target information to a processing apparatus, which performs a process on the target information, in accordance with a first processable condition received from the processing apparatus;

a process request interpretation part configured to interpret a process request to request the process in accordance with a predetermined protocol and to inform the service providing part of the process; and

a process response creation part configured to create a process response to indicate a result of the process in accordance with the predetermined protocol.

Regarding the rejection of Claim 18 under 35 U.S.C. § 102(e), as noted above, the '786 patent is directed to a web service system that allows a system operator to manage multiple web servers. In particular, the Office Action asserts that the '786 application representing an aggregation of related web pages, the interceptor 120, and the web interface

104 correspond to the “service providing part,” the “process request interpretation part,” and the “process request creation part,” respectively, as defined in Claim 18.¹¹

However, it is respectfully submitted that the ‘786 patent fails to disclose a controller including a service providing part, a process request interpretation part, and a process response creation part, as defined in Claim 18. Rather, as illustrated in Fig. 1 of the ‘786 patent, the ‘786 interceptor 120 and the host 100 (including the web interface 104 and the applications) are separate components that are connected to each other over one or more computer networks. The ‘786 patent does not disclose ***a controller including*** each of the ‘786 interceptor 120, the application, and the web interface 104 cited in the Office Action.

Further, it is respectfully submitted that the ‘786 patent fails to disclose a service providing part configured to manage target information and to provide the target information to a processing apparatus, which performs a process on the target information, in accordance with a first processable condition received from the processing apparatus. Rather, as noted above, the ‘786 patent simply discusses that the cited application represents an aggregation of related web pages presented to a user as a set of web pages about a related topic, or from a particular source.¹² The ‘786 patent does not disclose that the application is configured ***to manage*** target information and ***to provide*** the target information to a processing apparatus, ***which performs a process on the target information***. Further, the ‘786 patent does not disclose that the ‘786 application is configured to manage and provide the target information ***in accordance with a first processable condition received from the processing apparatus***, as defined in Claim 18.

Moreover, it is respectfully submitted that the ‘786 patent fails to disclose a process request interpretation part configured to interpret a process request to request the process in accordance with a predetermined protocol and to inform the service providing part of the

¹¹ See Office Action dated June 12, 2008, page 13.

¹² See ‘786 patent, column 5, lines 6-9.

process. Rather, the ‘786 patent simply discusses that part of the management capability of the web service system 90 is accomplished by monitoring the web page requests made of the web servers 102 and the resulting load on the web servers 102 and the hosts 100. Further, the ‘786 patent discusses that requests can be directed and redirected to balance the load among the web servers 102. The ‘786 patent discusses that the interceptor 120 receives a web page request from a user and “**refers**” the user’s web browser to an appropriate web server 102 for that request, to accomplish the load balancing.¹³ The ‘786 patent does not disclose that the interceptor 120 is configured to *interpret a process request to request the process in accordance with a predetermined protocol and to inform the service providing part of the process*.

Accordingly, it is respectfully submitted that Claim 18 (and all associated dependent claims) patentably defines over the ‘786 patent.

Amended Claim 22 recites, in part,

a service providing step of managing target information and providing the target information to a processing apparatus to perform a process on the target information based on a first processable condition received from the processing apparatus; and

a process request interpretation step of interpreting a process request to request the process in accordance with a predetermined protocol and informing the service providing step of the process.

As noted above, the ‘786 patent fails to disclose the “service providing part” and the “process request interpretation part” of Claim 18. Thus, the ‘786 patent fails to disclose the service providing step and the process request interpretation step recited in Claim 22. Accordingly, it is respectfully submitted that Claim 22 patentably defines over the ‘786 patent.

Amended Claim 23, is directed to a terminal, comprising:

¹³ See ‘786 patent, column 7, lines 6-14.

a display unit;

a process request creation part configured to create a process request to cause a first apparatus to acquire target information managed by a second apparatus from the second apparatus and perform a process on the target information in accordance with a predetermined protocol, wherein the first apparatus, the second apparatus, and the terminal are connected to each other via a communication network;

a process response interpretation part configured to interpret a process response corresponding to the process request and to acquire a result of the process performed by the first apparatus; and

a display control part configured to display the result of the process on the display unit of the terminal.

Regarding the rejection of Claim 23 under 35 U.S.C. § 102(e), as noted above, the ‘786 patent is directed to a web service system that allows a system operator to manage multiple web servers. In particular, the Office Action asserts that the ‘786 agent 106 interface with the web server interface 104, the agent 106 interface with the web server 102, and the console 116 correspond to the “process request creation part,” the “process response interpretation part,” and the “display control part,” respectively, as defined in Claim 23.¹⁴

However, it is respectfully submitted that the ‘786 patent fails to disclose a terminal comprising a display unit, a process request creation part, a process response interpretation part, and a display control part, as defined in Claim 23. Rather, as illustrated in Fig. 1 of the ‘786 patent, the console 116 and the host 100 (including the agent 106, the web server interface 104, and the web server 102) are separate components connected to each other over one or more computer networks. The ‘786 patent does not disclose a terminal comprising the agent 106, the web server interface 104, the web server 102, and the console 106 cited in the Office Action.

Further, it is respectfully submitted that the ‘786 patent fails to disclose a process request creation part configured to create a process request to cause a first apparatus to

¹⁴ See Office Action dated June 12, 2008, pages 15 and 16.

acquire target information managed by a second apparatus from the second apparatus and perform a process on the target information in accordance with a predetermined protocol, wherein the first apparatus, the second apparatus, and the terminal are connected to each other via a communication network. Rather, the '786 patent simply discusses that the '786 web server interface 104 transmits, over a shared memory communications channel, information about each web page request to the agent 106, as it is processed.¹⁵ Further, the '786 patent illustrates, in Fig. 1, that the web server interface 104 and the agent 106 are included in the host 100. The '786 patent does not disclose that the '786 agent 106 interface with the web server interface 104 is configured to create a process request ***to cause a first apparatus to acquire target information managed by a second apparatus from the second apparatus and perform a process on the target information*** in accordance with a predetermined protocol, wherein the first apparatus, the second apparatus, and the terminal ***are connected to each other via a communication network.***

Accordingly, it is respectfully submitted that Claim 23 patentably defines over the '786 patent.

Amended Claim 24 recites, in part,

a process request creation step of creating a process request to request a first apparatus to acquire target information managed by a second apparatus from the second apparatus and perform a process on the target information in accordance with a predetermined protocol, wherein the first apparatus, the second apparatus, and the terminal are connected to each other via a communication network.

As noted above, the '786 patent fails to disclose the "process request creation part" of Claim 23. Thus, the '786 patent fails to disclose the process request creation step recited in Claim 24. Accordingly, it is respectfully submitted that Claim 24 patentably defines over the '786 patent.

¹⁵ See '786 patent, column 12, lines 22-25.

Amended Claim 42 is directed to a Web service providing apparatus, comprising:

a controller including

a service providing part configured to perform a process on target information received from a management apparatus that manages the target information in accordance with a first processable condition and to provide a result of the process to the management apparatus;

a process request interpretation part configured to interpret a process request for the process in accordance with a predetermined protocol and to inform the service providing part of the process; and

a process request creation part configured to create a process response to indicate a result of the process in accordance with the predetermined protocol.

Regarding the rejection of Claim 42 under 35 U.S.C. § 102(e), as noted above, the ‘786 patent is directed to a web service system that allows a system operator to manage multiple web servers. In particular, the Office Action asserts that the ‘786 application representing an aggregation of related web pages, the interceptor 120, and the agent 106 interface with the web server interface 104 correspond to the “service providing part,” the “process request interpretation part,” and the “process response creation part,” respectively, as defined in Claim 42.¹⁶

However, it is respectfully submitted that the ‘786 patent fails to disclose a controller including a service providing part, a process request interpretation part, and a process request creation part, as defined in Claim 42. Rather, as illustrated in Fig. 1 of the ‘786 patent, the interceptor 120 and the host 100 (including the application, the agent 106, and the web server interface 104) are separate components connected to each other over one or more computer networks. The ‘786 patent does not disclose *a controller including* the application, the interceptor 120, the agent 106, and the web server 104 cited in the Office Action.

¹⁶ See Office Action dated June 12, 2008, page 17.

Further, it is respectfully submitted that the '786 patent fails to disclose a service providing part configured to perform a process on target information received from a management apparatus that manages the target information in accordance with a first processable condition and to provide a result of the process to the management apparatus. Rather, as noted above, the '786 patent simply discusses that the cited application represents an aggregation of related web pages presented to a user as a set of web pages about a related topic, or from a particular source.¹⁷ The '786 patent does not disclose that the application is configured ***to perform a process on target information received from a management apparatus*** that manages the target information in accordance with a first processable condition and ***to provide a result of the process to the management apparatus.***

Moreover, it is respectfully submitted that the '786 patent fails to disclose a process request interpretation part configured to interpret a process request for the process in accordance with a predetermined protocol and to inform the service providing part of the process. Rather, as noted above, the '786 patent simply discusses that the interceptor 120 receives a web page request from a user and “refers” the user’s web browser to an appropriate web server 102 for that request, to accomplish load balancing.¹⁸ The '786 patent does not disclose that the interceptor 120 is configured to ***interpret a process request for the process in accordance with a predetermined protocol and to inform the service providing part of the process.***

Accordingly, it is respectfully submitted that Claim 42 (and all associated dependent claims) patentably defines over the '786 patent.

Original Claim 46 recites, in part,

a service providing step of performing a process on target information received from a management apparatus managing the target information in accordance with a first

¹⁷ See '786 patent, column 5, lines 6-9.

¹⁸ Id. at column 7, lines 6-14.

processable condition and providing a result of the process to the management apparatus; and

 a process request interpretation step of interpreting a process request to request the process in accordance with a predetermined protocol and informing the service providing step of the process.

As noted above, the '786 patent fails to disclose the "service providing part" and the "process request interpretation part" of Claim 42. Thus, the '786 patent fails to disclose a service providing step and the process request interpretation step recited in Claim 46. Accordingly, it is respectfully submitted that Claim 46 patentably defines over the '786 patent.

Amended Claim 47 is directed to a terminal, comprising:

 a display unit;

 a process request creation part configured to create a process request to cause a first apparatus to perform a process on target information managed by a second apparatus by sending the target information to the first apparatus in accordance with a predetermined protocol, wherein the first apparatus, the second apparatus, and the terminal are connected to each other via a communication network;

 a process response interpretation part configured to interpret a process response corresponding to the process request and to acquire a result of the process performed by the first apparatus; and

 a display control part configured to display the result of the process on a display unit of the terminal.

Regarding the rejection of Claim 47 under 35 U.S.C. § 102(e), as noted above, the '786 patent is directed to a web service system that allows a system operator to manage multiple web servers. In particular, the Office Action asserts that the '786 agent 106 interface with the web server interface 104, the agent 106 interface with the web server 102,

and the console 116 correspond to the “process request creation part,” the “process response interpretation part,” and the “display control part,” respectively, as defined in Claim 47.¹⁹

However, it is respectfully submitted that the ‘786 patent fails to disclose a terminal comprising a display unit, a process request creation part, a process response interpretation part, and a display control part, as defined in Claim 47. Rather, as illustrated in Fig. 1 of the ‘786 patent, the console 116 and the host 100 (including the agent 106, the web server interface 104, and the web server 102) are separate components connected to each other over one or more computer networks. The ‘786 patent does not disclose ***a terminal comprising*** the agent 106, the web server interface 104, the web server 102, and the console 106 cited in the Office Action.

Further, it is respectfully submitted that the ‘786 patent fails to disclose a process request creation part configured to create a process request to cause a first apparatus to perform a process on target information managed by a second apparatus by sending the target information to the first apparatus in accordance with a predetermined protocol, wherein the first apparatus, the second apparatus, and the terminal are connected to each other via a communication network. Rather, the ‘786 patent simply discusses that the ‘786 web server interface 104 transmits, over a shared memory communications channel, information about each web page request to the agent 106, as it is processed.²⁰ Further, the ‘786 patent illustrates, in Fig. 1, that the web server interface 104 and the agent 106 are included in the host 100. The ‘786 patent does not disclose that the ‘786 agent 106 interface with the web server interface 104 is configured to create a process request ***to cause a first apparatus to perform a process on target information managed by a second apparatus by sending the target information to the first apparatus*** in accordance with a predetermined protocol,

¹⁹ See Office Action dated June 12, 2008 page 20.

²⁰ See ‘786 patent, column 12, lines 22-25.

wherein the first apparatus, the second apparatus, and the terminal *are connected to each other via a communication network.*

Accordingly, it is respectfully submitted that Claim 47 (and all associated dependent claims) patentably defines over the '786 patent.

Amended Claim 48 recites, in part,

a process request creating step of creating a process request to cause a first apparatus to perform a process on target information managed by a second apparatus by sending the target information to the first apparatus, wherein the first apparatus, the second apparatus, and the terminal are connected to each other via a communication network.

As noted above, the '786 patent fails to disclose the "process request creation part" of Claim 47. Thus, the '786 patent fails to disclose the process request creating step recited in Claim 48. Accordingly, it is respectfully submitted that Claim 48 patentably defines over the '786 patent.

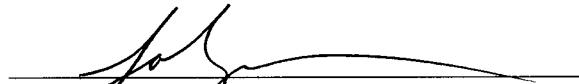
Regarding the rejection of dependent Claim 16 under 35 U.S.C. § 103(a), it is respectfully submitted that the '656 application fails to remedy the deficiencies of the '786 patent, as discussed above. Accordingly, it is respectfully submitted that dependent Claim 16 patentably defines over any proper combination of the '786 patent and the '656 application.

Thus, it is respectfully submitted that independent Claims 1, 17, 18, 22-24, 42, and 46-48 (and all associated dependent claims) patentably define over any proper combination of the '786 patent and the '656 application.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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